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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,666	03/24/2004	Josef Balcer	0018138.00030	6219
21878	7590	09/16/2005	EXAMINER	
KENNEDY COVINGTON LOBDELL & HICKMAN, LLP			BLAU, STEPHEN LUTHER	
214 N. TRYON STREET			ART UNIT	
HEARST TOWER, 47TH FLOOR			PAPER NUMBER	
CHARLOTTE, NC 28202			3711	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,666

Applicant(s)

BALCER, JOSEF

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/29/05.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) 3, 11 and 12 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-10 and 13-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins.

Jenkins discloses a first (68), second (62), third (64), and fourth (66) impact face (Fig. 6), a first impact face (68) extending substantially parallel to an axis of a shaft in the form of the loft being zero (Col. 4, Lns. 50-51) and a zero lie/offset for the shaft (Col. 4, Lns. 52-55), a second, third, and fourth impact faces extending at an incline relative to the axis of the shaft in the form of a loft of 23-65 degrees (Col. 4, Lns. 45-49) and an lie/offset of a shaft being 0-12 degrees (Col. 4, Lns. 51-55), a shaft substantially perpendicular to a sole in the form of a flat sole and an shaft having an lie/offset 0-12 degrees (Col. 4, Lns. 46-57, Figs. 4, 6, Ref. Nos. 46, 50), a shaft having a length such that the upper end is able to be pivoted at a level of a golfer's chest in the form of a shaft being 40-60 inches in length (Col. 2, Lns. 34-43), a shaft being oriented at an angle of at least 10 degrees from a perpendicular relative to a sole in the form of the shaft lie/offset being 0-12 degrees (Col. 4, Lns. 51-55), and a shaft attached to a head

at least approximately centrally (Ref. No. 78, Fig. 6) between the ends of the impact face (68) that is essentially parallel to the axis of the shaft (Col. 4, Lns. 46-57).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Murray.

Jenkins lacks a variable length putter, a shaft having two adjustable parts relative to one another in the direction of the axis of the shaft and fixable to one another in a set position. Murray discloses a variable length putter, a shaft having two adjustable parts relative to one another in the direction of the axis of the shaft and fixable to one another in a set position (Fig. 4) in order to shorten a shaft prior to transportation and in order to match an individual's physiology (Col. 1, Lns. 50-57). In view of the patent of Murray it would have been obvious to modify the putter of Jenkins to have a variable length putter, a shaft having two adjustable parts relative to one another in the direction of the axis of the shaft and fixable to one another in a set position in order to shorten a shaft prior to transportation and in order to match an individual's physiology.

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5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenkins in view of Florian.

Jenkins discloses a conventional long shafted putter being 40-60 inches in length (Col. 2, Lns. 34-43) and a two piece grip (Ref. No. 16 and 18, Col. 3, Lns. 30-48).

Jenkins lacks a grip on a shaft extending from the upper end of the shaft a distance of approximately 60-70 cm from a head. Florian discloses a side putter with a shaft end pivoted near the chest of a player with a shaft being 40-50 inches in length and a grip extending to approximately the midpoint of a club (Fig. 1). In view of the patent of Florian it would have been obvious to modify the club of Jenkins to have a grip on a shaft extending from the upper end of the shaft a distance of approximately 60-70 cm from a head in order to provide more locations along the shaft to comfort both hands placed on a club when putting for golfers who position their hands at different locations along the length of a club.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Florian or Leek.

Williams discloses golfer's arm crossing in front of a chest (Figs. 7-8). Williams does not specifically state that the arm is against the chest but clearly one skilled in the art would have selected a suitable location of the arm in which against the chest is included.

Williams lacks one arm against the chest and holding the upper end of a putter as a pivot point. Florian (Fig. 6) or Leek (Figs. 1, 3) disclose a method of holding the upper end of a putter as a pivot point while swing a club with the other arm in order to produce a pendulum type of motion (Col. 8 Ln. 68 through Col. 9 Ln. 1). In view of the patents of Florian or Leek it would have been obvious to modify the method of Williams to have a method of holding the upper end of a putter as a pivot point while swing a club with the other arm in order to produce a pendulum type of motion.

It would have been obvious to modify the method of putting of Williams to have one arm against the chest in order to provide support to the arm holding the end of the shaft so the arm does not get tired.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Florian or Leek as applied to claims 15-16 above, and further in view of Examiner's Official Notice.

The Examiner takes Official Notice that it is well known in the golf art to remove a ball from a hole after putting if the ball goes in.

Response to Arguments

8. With respect to claims 15-17, the argument that the references of Williams in view of Florian is improper due to it would produce the shaft of Williams to be angulated 10 degrees as taught by Florian is disagreed with. Florian was only used to show that it

is known to have two handed putters with long grips as claimed and to use the hand of the arm across the chest to pivot the putter. Clearly it would be obvious to modify the two grips of Williams and make just one long one to provide comfort to more than one location for a set of hands. And clearly it would be obvious to modify the method of swinging the putter of Williams to have the hand of the arm across the chest to hold the upper end of a putter as a pivot point when putting since it is near the shoulder and the club is to match the hanging arm as it swings. Florian was not used to show the shaft angled at 10 degrees. Leek was used to show another putter where the end is held to produce a pivot action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700. (TC 3700 Official Fax 571-273-8300)

slb/ 13 September 2005


STEPHEN BLAU
PRIMARY EXAMINER